

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANN BAKER PEPE,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

GENZYME CORPORATION and
LABORATORY CORPORATION OF
AMERICA HOLDINGS

Defendants.

Case No.: 1:12-cv-11110-DJC

PLAINTIFF’S MOTION FOR APPROVAL OF FEE AND EXPENSE DISTRIBUTION

Plaintiff Anne Baker Pepe (“Plaintiff”), by and through Class Counsel, Whatley Kallas, LLP, respectfully moves the Court to enter an order approving a fee and expense distribution to the law firm of Neubert, Pepe & Monteith, P.C. (“NPM”). In support of this motion, Plaintiff states as follows:

1. Gregory J. Pepe, a partner in NPM, is an attorney licensed in the State of Connecticut and Plaintiff’s husband. *See* Declaration of Gregory J. Pepe (hereinafter referred to as the “Pepe Declaration” or “Pepe Decl.”), submitted concurrently herewith, at ¶ 1.

2. NPM, primarily through Mr. Pepe, assisted Plaintiff in connection with the prosecution of this case by, among other things, investigating her claim, conferring with physicians involved in the banking of her mother’s blood, and working with Class Counsel in the preparation of the complaint and the settlement. *Id.*, at ¶ 2.

3. Plaintiff filed a Motion for An Award of Fees and Costs and For An Incentive Award (Dkt. #94) on December 9, 2014. No documentation of NPM’s lodestar and expenses

were submitted in support of that motion. On January 8, 2015, the Court issued a Final Approval Order, Decree and Judgment (Dkt. # 97) approving an award of fees and costs to Class Counsel totaling \$126,834.00.

4. It has recently come to Class Counsel's attention that NPM wishes to be compensated for the firm's contribution to the prosecution of this action from the previously approved fee and expense award. Class Counsel has no objection to such a distribution.

5. As set forth in the Pepe Declaration, NPM has incurred lodestar of \$6,257.50 and expenses of \$65.17. Pepe Decl., at ¶¶ 3-4.

Based on the foregoing, Plaintiff respectfully requests that the Court issue an order approving the distribution to NPM from the previously approved fee and expense award of a proportionate fee (40% of the lodestar NPM incurred, or \$2,503.00), and the reimbursement of its expenses (\$65.17), for a total distribution of \$2,568.17. Defendants take no position on this motion.

Dated: February 9, 2015

Respectfully submitted,

WHATLEY KALLAS, LLP

/s/ Patrick J. Sheehan

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LOCAL RULE 7.1(a)(2) CERTIFICATE

I hereby certify that counsel for Plaintiff has conferred with Defendants' counsel in a good faith attempt to resolve or narrow the issues concerning this motion before its filing. As noted above, Defendants take no position on this motion.

/s/ Patrick J. Sheehan

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2015, I electronically filed the foregoing *Plaintiff's Motion for Approval of Fee and Expense Distribution* with the Clerk of Court using the ECF system, which will send notification of such filing to all registered participants as identified on the Notice of Electronic Filing.

/s/ Patrick J. Sheehan